

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24

FILED BY CLERK

MAY 15 2012

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,)	2 CA-CR 2011-0202
)	DEPARTMENT A
Appellee,)	
)	<u>MEMORANDUM DECISION</u>
v.)	Not for Publication
)	Rule 111, Rules of
JOSE LUIS DORAME,)	the Supreme Court
)	
Appellant.)	
_____)	

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR20102849001

Honorable Deborah Bernini, Judge

AFFIRMED

Lori J. Lefferts, Pima County Public Defender
By Frank P. Leto

Tucson
Attorneys for Appellant

B R A M M E R, Judge.

¶1 Appellant Jose Dorame was convicted after a jury trial of second-degree burglary and, after finding Dorame had one historical prior felony, the trial court sentenced him to a mitigated, four-year prison term. Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), stating she has reviewed the record and has found no “meritorious issue to raise on appeal.” Counsel has asked us to search the record for error. Dorame has not filed a supplemental brief.

¶2 Viewed in the light most favorable to sustaining the verdict, the evidence was sufficient to support the jury’s finding of guilt. *See State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999). The evidence presented at trial showed that, in August 2010, Dorame and another individual forced open the door to a residence, entered it, and Dorame took a resident’s prescription medication and car key. A.R.S. § 13-1507(A). Dorame’s sentence was within the prescribed statutory range and was imposed lawfully. A.R.S. §§ 13-701; 13-703(B)(2), (I); 13-1507(B).

¶3 Dorame’s counsel notes that “[t]he arguable issue that trespass is a lesser included offense of burglary has been foreclosed by our Supreme Court in *State v. Malloy*, 131 Ariz. 125, 639 P.2d 315 (1981),” but states this court may address that issue and asks that we find *Malloy* “inapplicable.” But he does not explain why it would be inapplicable and we find no basis to so conclude.

¶4 Pursuant to our obligation under *Anders*, we have searched the record for fundamental, reversible error and have found none. Therefore, we affirm Dorame’s conviction and sentence.

/s/ J. William Brammer, Jr.

J. WILLIAM BRAMMER, JR., Judge

CONCURRING:

/s/ Joseph W. Howard

JOSEPH W. HOWARD, Chief Judge

/s/ Peter J. Eckerstrom

PETER J. ECKERSTROM, Presiding Judge